

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference PF020142	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/EP 03/50728	International filing date (day/month/year) 16.10.2003	Priority date (day/month/year) 16.10.2002
International Patent Classification (IPC) or both national classification and IPC G06F1/00		
Applicant THOMSON LICENSING S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 06.05.2004	Date of completion of this report 15.12.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Alecu, M Telephone No. +31 70 340-2648 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/50728**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-6 as originally filed

Claims, Numbers

1-10 as originally filed

Drawings, Sheets

1-2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-7,9
	No: Claims	1,8,10
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: EP-A-1 081 575 (MATSUSHITA ELECTRIC IND CO LTD) 7 March 2001 (2001-03-07)

D2: EP-A-1 096 388 (SONY CORP) 2 May 2001 (2001-05-02)

1. The relative terms "global copy protection system" and "local copy protection system" used in claims 1, 8, 9 and 10 (and implicitly in all the claims depending on claim 1) are not clear (it is not clear which technical features are necessary in order to have a "global CPS" or a "local CPS").

1.1 The methods claimed in claims 8 and 9 are not fully defined (it is not apparent whether a check is done to decide if the copy is made for a local copy protection system and what happens if not).

1.2 However, in view of the description, the independent claims can be construed as follows:

1.2.1 Claim 1 is construed as claiming a device, suitable to prevent illegal exportation of a protected content from a protection system to another protection system, characterized in that it comprises an exportation table for storing unique identifiers of all contents that have already been exported through said device. Each content liable to be exported contains a unique identifier.

1.2.2 Claim 8 is construed as claiming a method for recording a content received by a device according to any one of claims 1 to 6, characterized in that it contains the following steps:
- checking if the unique identifier of said content is contained in the exportation table of said device
should said checking being positive, then preventing the recording; and
should said checking being negative, then recording the content and storing said unique identifier in said exportation table.

1.2.3 Claim 9 is construed like claim 8, *mutatis mutandis*.

1.3 The devices mentioned in claims 8 and 9 are not considered to be limiting the scope of the claims (method claims 8 and 9 are considered to be independent claims, thus not containing the technical features of the above mentioned devices).

2. Under the previous assumptions the subject-matter of claims 1,8,10 is not new in the sense of Article 33(2) PCT, for the following reasons:

2.1 The document D1 discloses (the references in parentheses applying to this document):

A device (data processing apparatus - D1, paragraph [0024] and 1 in Figure 2), suitable to prevent illegal exportation of a protected content (encrypted music data - D1, paragraph [0027]) from a protection system (the data processing apparatus) to another protection system (external storage media 7 in paragraph [0026] and Figure 2).

It also comprises an exportation table (copyright management table - D1, Figure 5 and paragraph [0042]), for storing unique identifiers (the combination of package identifier and content identifier is a unique identifier - see D1, paragraphs [0031] and [0032]) of all contents exported through said device. Each content liable to be exported contains a unique identifier.

Thus D1 discloses all the features of claim 1.

2.2 The method of claim 8 is corresponding to the device of claim 1 and is therefore also not new (Article 33(2) PCT).

2.3 The document D3 discloses:

A device adapted to be linked to a local network protected by a "global copy protection system" (personal computer 1 from Figure 1, described in paragraph [0022]) and to convert a content it receives into a content protected by said "global copy protection system" (Figure 7 of D3 is a flow chart disclosing how a CD content is converted in order to be stored on the HDD). Said device is furthermore adapted to generate a unique identifier (file name - referred to in step S21 of Figure 7, it is implicitly unique because it is used to distinguish between the different contents - see paragraph [0259] which discloses that the content is read based on the file name) for each content it converts, the unique identifier being inserted in a part of the

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content protected by encryption (paragraph [0217] discloses that the file name has been encrypted in the content at step S20 of Figure 7) or by authentication.

D3 discloses all the features of claim 10 which is therefore not new (Article 33(2) PCT).

3. Under the previous assumptions the subject-matter of claims 9 does not involve an inventive step in the sense of **Article 33(3) PCT**.

D1 discloses, in paragraphs [0045]-[0046] and Figure 6:

A method for recording a content received by a device, characterized in that it contains the following steps:

checking whether a predetermined maximum number of copies (check-outs in D1) has been reached by the counter associated with the unique identifier

in case the maximum number of copies has been reached, then preventing the recording; and

in case the maximum number of copies has not been reached, then incrementing the counter and recording the content (step S103 in Figure 6 and paragraph [0046];

The subject-matter of claim 9 therefore differs from this known D1 only in that, according to claim 9 a check is made to see if the unique identifier is contained in the exportation table of said device, and, if the check is negative the content is recorded and the unique identifier is stored in the exportation table, whereas in D1 such a check is not necessary, since the unique identifier is already stored in the exportation table from the moment the content was imported in the device (see D1, paragraph [0036]).

However the choice of when to update the content of the exportation table (when importing or when exporting the content) is merely a design choice.

4. Dependent claims 2-7 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step (Article 33(3) PCT).